

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

STEPHEN P. JONES,

Plaintiff,

v.

Case No. 5:20-cv-247-Oc-18NPM

COMMISSIONER OF SOCIAL
SECURITY

Defendant.

ORDER

Before the Court are Defendant's Second Motion for Stay of Proceedings (Doc. 15) and response (Doc. 16). In this Social Security case, Defendant requests the Court stay the proceedings for sixty days or until such time as the Agency regains capacity to produce a certified transcript of the administrative record necessary to draft an answer and adjudicate the case. (*Id.*, p. 1). Due to the current situation in this country, Defendant represents the Agency has transitioned to a telework environment, and encountered difficulties that impact the operations of the Social Security Administration's Office of Appellate Operations. (*Id.*, pp. 1-3).

Plaintiff argues the Commissioner has already received a sixty-day extension of time and any additional delay will cause harm to Plaintiff. (Doc. 16, p. 2). Plaintiff opposed the request for a sixty-day stay, but is agreeable to an extension of time of thirty days. (Doc. 16, p. 2).

A court has broad discretion whether to stay a proceeding “as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706-707 (1997). The court must weigh the benefits of the stay against any harms of delay. *Id.* at 707. Here, the Commissioner has provided good cause to extend the deadline to file the certified transcript and answer. But the Court finds a second sixty-day extension would cause undue delay. The Court will extend the deadline to file the certified transcript and answer by thirty days.

Accordingly, it is **ORDERED** that the (Opposed) Second Motion for Stay of Proceedings (Doc. 15) is **GRANTED in part**. The Court extends the deadline for Defendant to file a certified transcript and answer to **November 13, 2020**.

DONE and ORDERED in Fort Myers, Florida on October 14, 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE